IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

Crl.MC.No. 1282 of 2007()

(CRIME NO.26/03 OF EXCISE RANGE OFFICE, VAMANAPURAM, THIRUVANANTHAPURAM)

PETITIONER: ACCUSED NO.1 & 2

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1. JAYACHANDRAN NAIR, S/O.PRABHAKARAN NAIR, PARVADI MANDIRAM, ARAYALOOR, THIRUMALA VILLAGE, THIRUVANANTHAPURAM DISTRICT.

2. VIJAYAN, S/O.SELVAMUTHU, PARAYADI PUTHUVAL PUTHENVEEDU, VALIYAVILA DESOM, THIRUMALA VILLAGE, THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.C.C.THOMAS

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY EXCISE INSPECTOR, EXCISE RANGE OFFICE, VAMANAPURAM, THIRUVANANTHAPURAM DISTRICT, BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 20/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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Crl.M.C.No.1282 Of 2007

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Dated this the 20th day of June, 2007

ORDER

The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that in the light of the decision in **State of Kerala and Others v. Unni** [2007(1) KLT 151 (S.C)], this prosecution in which the only allegation is that the percentage of Ethyl Alcohol in toddy exceeds the permissible figure cannot be sustained. This Crl.M.C is, in these circumstances, allowed. All proceedings in pursuance of C.R. No.26 of 2003 of Excise Range Office, Vamanapuram, Thiruvananthapuram (in which final report has allegedly been filed but cognizance has not so far been taken by the learned Magistrate) against the petitioners are hereby quashed.

(R.BASANT, JUDGE)

sj